

(ii) For purposes of paragraph (b)(6)(i) of this section, *confined or enclosed space* means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

§ 1926.22 Recording and reporting of injuries. [Reserved]

§ 1926.23 First aid and medical attention.

First aid services and provisions for medical care shall be made available by the employer for every employee covered by these regulations. Regulations prescribing specific requirements for first aid, medical attention, and emergency facilities are contained in subpart D of this part.

§ 1926.24 Fire protection and prevention.

The employer shall be responsible for the development and maintenance of an effective fire protection and prevention program at the job site throughout all phases of the construction, repair, alteration, or demolition work. The employer shall ensure the availability of the fire protection and suppression equipment required by subpart F of this part.

§ 1926.25 Housekeeping.

(a) During the course of construction, alteration, or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures.

(b) Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.

(c) Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and

other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, etc. shall be equipped with covers. Garbage and other waste shall be disposed of at frequent and regular intervals.

§ 1926.26 Illumination.

Construction areas, aisles, stairs, ramps, runways, corridors, offices, shops, and storage areas where work is in progress shall be lighted with either natural or artificial illumination. The minimum illumination requirements for work areas are contained in subpart D of this part.

§ 1926.27 Sanitation.

Health and sanitation requirements for drinking water are contained in subpart D of this part.

§ 1926.28 Personal protective equipment.

(a) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees.

(b) Regulations governing the use, selection, and maintenance of personal protective and lifesaving equipment are described under subpart E of this part.

§ 1926.29 Acceptable certifications.

(a) *Pressure vessels.* Current and valid certification by an insurance company or regulatory authority shall be deemed as acceptable evidence of safe installation, inspection, and testing of pressure vessels provided by the employer.

(b) *Boilers.* Boilers provided by the employer shall be deemed to be in compliance with the requirements of this part when evidence of current and valid certification by an insurance company or regulatory authority attesting to the safe installation, inspection, and testing is presented.

(c) *Other requirements.* Regulations prescribing specific requirements for other types of pressure vessels and similar equipment are contained in subparts F and O of this part.

§ 1926.30 Shipbuilding and ship repairing.

(a) *General.* Shipbuilding, ship repairing, alterations, and maintenance performed on ships under Government contract, except naval ship construction, is work subject to the Act.

(b) *Applicable safety and health standards.* For the purpose of work carried out under this section, the safety and health regulations in part 1915 of this title, Shipyard Employment, shall apply.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 61 FR 9249, Mar. 7, 1996]

§ 1926.31 Incorporation by reference.

(a) The specifications, standards and codes of agencies of the U.S. Government and organizations which are not agencies of the U.S. Government, to the extent they are legally incorporated by reference in this part, have the same force and effect as other standards in this part. The locations where these specifications, standards, and codes may be examined are as follows:

(1) Offices of the Occupational Safety and Health Administration, U.S. Department of Labor, Frances Perkins Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Occupational Safety and Health Administration, which are listed in the U.S. Government Manual.

(b) Any changes in the specifications, standards and codes incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (a) of this section. All questions as to the applicability of such changes should also be referred to these offices.

[44 FR 8577, Feb. 9, 1979; 44 FR 20940, Apr. 6, 1979, as amended at 61 FR 9249, Mar. 7, 1996]

§ 1926.32 Definitions.

The following definitions shall apply in the application of the regulations in this part:

(a) *Act* means section 107 of the Contract Work Hours and Safety Standards Act, commonly known as the Construction Safety Act (86 Stat. 96; 40 U.S.C. 333).

(b) *ANSI* means American National Standards Institute.

(c) *Approved* means sanctioned, endorsed, accredited, certified, or accepted as satisfactory by a duly constituted and nationally recognized authority or agency.

(d) *Authorized person* means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the jobsite.

(e) *Administration* means the Occupational Safety and Health Administration.

(f) *Competent person* means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

(g) *Construction work.* For purposes of this section, *Construction work* means work for construction, alteration, and/or repair, including painting and decorating.

(h) *Defect* means any characteristic or condition which tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(i) *Designated person* means “authorized person” as defined in paragraph (d) of this section.

(j) *Employee* means every laborer or mechanic under the Act regardless of the contractual relationship which may be alleged to exist between the laborer and mechanic and the contractor or subcontractor who engaged him. “Laborer and mechanic” are not defined in the Act, but the identical terms are used in the Davis-Bacon Act (40 U.S.C. 276a), which provides for minimum wage protection on Federal and federally assisted construction contracts. The use of the same term in a statute which often applies concurrently with section 107 of the Act has considerable precedential value in ascertaining the meaning of “laborer and mechanic” as used in the Act. *Laborer* generally means one who performs manual labor or who labors at an occupation requiring physical strength; *mechanic* generally means a worker skilled with tools. See 18 Comp. Gen. 341.